THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4807 of 2007

Date: 09.03.2007

Between:

K.Ravichandra

....Petitioner

and

The Commissioner & Registrar of
Cooperative Societies and others.

....Respondents

O R D E R:

The petitioner claims to be a member of the cooperative society, by name, Ongole Cooperative Central Stores. The fifth respondent is Chairman of the society. Alleging that the fifth respondent has taken steps to undertake some illegal construction in the premises of the stores, the petitioner made a representation to respondents 1, 3, and 4. On the representation made by the petitioner, to the third respondent, under the Right to Information Act, he has been informed, through an endorsement, dated 15.02.2007, that the construction undertaken in the premises of the society did not accord with the relevant rules and that the society had submitted an application, together with a plan thereafter. The grievance of the petitioner is that even though unauthorised and illegal constructions are going on, the respondents have not taken any steps. He seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation.

The petitioner had some reservation and doubt about the legality of the works undertaken by the fifth respondent in the cooperative society. The Managing Committee takes the responsibility for any acts and omissions during its tenure. If any illegality takes place, there is sufficient mechanism under the Andhra Pradesh Cooperative Societies Act and the Rules made thereunder to rectify the same. The affairs of the society cannot

be guided by the whims and fancies of the individual members.

Another aspect of the matter is that the petitioner can, certainly, mobilise the support of majority members and get a resolution passed, which in turn, would sub-serve the interest of the society. The record does not disclose that the petitioner had undertaken any steps. Further, the Andhra Pradesh Cooperative Societies Act itself provides for several remedies to the aggrieved parties. A writ petition under Article 226 of the Constitution of India, in the facts and circumstances of the case, cannot be a proper remedy for the petitioner.

Hence, the writ petition is dismissed, leaving it open to the petitioner to work out his remedies, in accordance with law. There shall be no order as to costs.

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09.03.2007

kdl